GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Public Services - A & C Dept. – Disciplinary Matters - Sri M.Subramanyam, the then Lab Assistant, O/o Asst. Director of Agriculture (STL), Tadepalligudem, West Godavari District – Involved in a criminal case vide Cr. No 220/2010, registered U/s. 302 IPC by the T.P.Gudem, Town P.S – Convicted vide Judgement dt.30.05.2011 of the Hon'ble V Additional District and Sessions Judge, West Godavari, Eluru - Dismissal Proceedings issued – High Court of A.P. in Common Judgement dt.26.08.2021, in CA No.597 of 2011 & CA No.1089 of 2014, set aside the said Judgement dt.30.05.2011 of the Trial Court – Implementation of the High Court Judgement – Setting aside the Dismissal Proceedings of the individual - Orders – Issued.

AGRICULTURE AND CO-OPERATION (VIG.I) DEPARTMENT

G.O.Rt.No. 532 **Dated: 20/08/2024**

Read the following:

1. Procds.No.A2/795, dt.25.06.2010 of the Joint Director of Agriculture, West Godavari.
2. Judgement dt.30.05.2011 of the Hon'ble V Additional District and Sessions Judge (Fast Track Court), West Godavari, Eluru.
3. Proceedings No.A2/795/2010 of the Joint Director of Agriculture, West Godavari, Eluru.
4. Common Judgement dt.26.08.2021 of the High Court of A.P., Amaravati in CA No.597 of 2011 & CA No.1089 of 2014.
5. From the Inspector of Police, Tadepalligudem Town PS, Letter dt.30.06.2023.
6. Representation dt.12.01.2022 of Sri M.Subramanyam, the then Lab Assistant(Dismissed), O/o Assistant Director of Agriculture (STL),Tadepalligudem, WestGodavari District
7. From the Special Commissioner of Agriculture, A.P., Guntur, Letter No. Vig.I(I) AGC02-32026/1/2022, dt:30.08.2022.

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O R D E R:

Sri M. Subrahmanyam, while working as Laboratory Assistant, in O/o Asst. Director of Agriculture (STL), Tadepalligudem, West Goadavari District, has been arrested on 22.06.2010 and detained in custody for more than (48) hours, for his involvement in a criminal case in Cr.No.220/2010, registered U/s. 302 IPC by the T.P.Gudem, Towm P.S., relating to the death of his wife Smt.M.Rama Mani Alias Rama Devi and accordingly in the reference 1st read above, the Joint Director of Agriculture, West Godavari has suspended him from service w.e.f.22.06.2010 under rule 8(2)(a) of A.P. Civil Services (CCA) Rules, 1991.

2. In the reference 2nd read above, the Hon'ble V Additional District and Sessions Judge (Fast Track Court), West Godavari, Eluru has issued following Judgement dt.30.05.2011 in the above said Case in SC. No.429/2010 in respect of Sri M. Subrahmanyam, Lab. Asst.:

> " .....Therefore, it is reasonable to conclude that ingredients of Section 34 Part-II are squarely applicable to the case on hand but not the ingredients of Charged Section 302 of IPC. Therefore, it can be finally concluded and decided that the accused is found guilty under Section 304 Part-II of IPC only.
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> In the result, the accused is found guilty for the offence punishable under Section 304 part-II of IPC and consequently he is convicted under Section 235(2) Cr.P.C. Accused is sentenced to undergo rigorous imprisonment for a period of four (4) years and pay fine of Rs.2,000/-. In default of payment of fined amount, he shall undergo simple imprisonment for a period of (6) months."

3. Accordingly, in the reference 3nd read above, the Joint Director of Agriculture, West Godavari, Elugu has issued proceedings dismissing Sri M. Subrahmanyam, the then Lab. Assistant, O/o Asst. Director of Agriculture (STL), Tadepalligudem, West Goadavari District from service w.e.f.30.05.2011, under rule 9(x) of A.P.Civil Services (CCA) Rules, 1991.

(P.T.O.)

4. Aggrieved by the above, Sri M. Subrahmanyam, the then Lab. Assistant (Dismissed) has approached the Hon'ble High Court of A.P., through C.A.No.597 of 2011, questioning the judgement in SC No.429 of 2010, dt.30.05.2011 on the file of the Court of the V Addl.Sessions Judge, W.G.Dist., Eluru, with regard to conviction under Section 235(2) Cr.P.C. and the Police Dept. has also approached the Hon'ble High Court of A.P., through CA No.1089 of 2014, praying to set aside the order of acquittal of the above individual for the offence punishable under Section 302 IPC, vide Judgement in SC No.429 of 2010 dt.30.05.2011 and convict the accused (respondent) for the offence.

5. In the reference 4th read above, the Hon'ble High Court of A.P. has issued the following Common Judgement dt.26.08.2021 in CA No.597 of 2011 & CA No.1089 of 2014:

> "..... In view of the above findings, we hold that the conviction passed by the trial Court requires interference and accordingly, the Criminal Appeal No.597 is allowed setting aside the Judgement dt.30.05.2011 on the file of V Additional District and Sessions Judge, (FTC), West Godavari, Eluru, and acquitting the accused for the offence punishable under Section 304 Part II IPC; and the Criminal Appeal No.1089 of 2014 filed by the State is dismissed. The fine amount, if any, paid by the accused shall be returned.
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> Consequently, miscellaneous petitions pending, if any, shall stand closed."

6. In the reference 5th read above, the Inspector of Police, Tadepalligudem Town PS, while addressing the Superintendent of Police, West Godavari District, Bhimavaram, has informed that, they have not preferred any Appeal before the Higher Court on the above said Common Judgement of the High Court of A.P., Amaravati.

7. In the reference 6th read above, Sri M.Subramnayam, the then Lab Assistant (Dismissed), O/o Assistant Director of Agriculture (STL), Tadepalligudem, has submitted a representation to the Special Commissioner of Agriculture, A.P., Guntur and requested to settle the retirement benefits applicable to him, as per the above order of A.P.High Court.

8. In the reference 7th read above, the Special Commissioner of Agriculture, A.P., Guntur, while submitting the representation of the individual together with S.R. and the orders issued by Hon'ble High Court of A.P. dt:26.08.2021 in Criminal Appeal No.597 of 2021 to Government, has requested to issue suitable orders in the matter, stating that the Government is the competent authority to retired persons.

9. The Government, after careful examination of the matter and consulting with the advisory Departments, has decided to implement the Common Judgement dt.26.08.2021 of the Hon'ble High Court of A.P., Amaravati in CA No.597 of 2011 & CA No.1089 of 2014 and accordingly set aside the proceedings issued by the Joint Director of Agriculture, West Godavari, Eluru in the reference 3rd read above in respect of Sri M. Subramanyam, the then Lab. Asst., O/o Asst. Director of Agriculture (STL), Tadepalligudem, West Godavari District and hereby further order the following:

a) To treat the suspension period from 22.06.2010 to 30.05.2011(the date of dismissal) and the remaining gap upto the date of deemed retirement on 31.08.2012 of Sri M. Subramanyam, the then Lab. Asst., O/o Asst. Director of Agriculture (STL), Tadepalligudem, West Godavari District, as 'not on duty', under F.R.54; and

b) To treat the Government service rendered by Sri M. Subramanyam, the then Lab. Asst., O/o Asst. Director of Agriculture (STL), Tadepalligudem, West Godavari District, for a period of (31) years and odd from 09.05.1979 to 21.06.2010, as qualifying service for the purpose of counting for pension and pensionery benefits, under rule 25 of A.P.Revised Pension Rules, 1980.

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10. The Director of Agriculture, A.P., Guntur shall take necessary further action in the matter, accordingly.

11.Service Register (04 volumes) of the individual is returned herewith.

12. This order issues with the concurrence of Finance (HR.IV-FR&LR) Department. (Finance U.O.No: FIN01-HR0RSPE/2/2024-HR-IV (Computer No: 2323016), dt.27.02.2024)

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To:
The Director of Agriculture, A.P., Guntur (w.e)
Copy to:
Sri M.Subramnayam, the then Lab Assistant,
O/o Assistant Director of Agriculture (STL),Tadepalligudem
(through the Director of Agriculture)
The District Agriculture Officer, Eluru.
The Prl. Accountant General, A.P., Vijayawada.
The Director of Treasuries & Accounts, A.P., Mangalagiri.
The District Treasury Officer, West Godavari/Eluru District.
The Finance (HR.IV-FR & LR) Department.
The P.S to Minister for Agriculture, Marketing & Cooperation, A.P.
Sf/Sc.

// FORWARDED BY ORDER//

SECTION OFFICER